

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
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MOTORS LIQUIDATION COMPANY, <i>et al.</i> ,	:	Case Nos.: 09-50026 (REG)
f/k/a General Motors Corp., <i>et al.</i>	:	
	:	(Jointly Administered)
Debtors.	:	
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**FOURTH SUPPLEMENTAL STIPULATION AND ORDER REGARDING
THE PHANEUF PLAINTIFFS MOTION FOR LEAVE TO APPEAL
INTERLOCUTORY INJUNCTIVE ORDER OF THE BANKRUPTCY COURT**

General Motors LLC (“**New GM**”) and Lisa Phaneuf, *et al.* (“**Phaneuf Plaintiffs**”), by and through their undersigned counsel, enter into this Stipulation and Agreed Order and state:

WHEREAS, on May 24, 2014, the Phaneuf Plaintiffs filed their *No Stay Pleading* [Dkt. No. 12713] (“**Phaneuf No Stay Pleading**”) with the United States Bankruptcy Court for the Southern District of New York (“**Bankruptcy Court**”);

WHEREAS, on June 13, 2014, New GM filed the *Response by General Motors LLC to No Stay Pleading Filed in Connection with the Court’s May 16, 2014 Scheduling Order* [Dkt. No. 12724] (“**Response**”) with the Bankruptcy Court;

WHEREAS, on July 2, 2014, the Bankruptcy Court held a hearing (“**Hearing**”) with respect to the Phaneuf No Stay Pleading and the Response, and at the Hearing the Bankruptcy Court orally found and determined that the relief requested in the Phaneuf No Stay Pleading should be denied (“**Oral Ruling**”);

WHEREAS, on July 30, 2014, the Bankruptcy Court issued its *Decision with Respect to No Stay Pleading (Phaneuf Plaintiffs)* [Dkt. No. 12791], memorializing its Oral Ruling;

WHEREAS, on August 4, 2014, the Bankruptcy Court entered the *Order Denying the Relief Requested by the Phaneuf Plaintiffs in Their No Stay Pleading* [Dkt. No. 12811] (“**Phaneuf Order**”);

WHEREAS, on August 7, 2014, the Phaneuf Plaintiffs filed with the Bankruptcy Court a *Notice of Appeal* with respect to the Phaneuf Order, and a *Motion for Leave to Appeal Interlocutory Injunctive Order of the Bankruptcy Court* [Dkt. No. 12817] (“**Motion**”);

WHEREAS, pursuant to the Motion and Rule 8003(a) of the Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rules**”), the deadline for New GM to file an answer (“**Answer**”) to the Motion was originally August 21, 2014 (“**Answer Deadline**”);

WHEREAS, pursuant to a *Stipulation And Order Extending Answer Deadline To Motion For Leave To Appeal Interlocutory Injunctive Order Of The Bankruptcy Court*, so-ordered by the Bankruptcy Court on August 18, 2014 [Dkt. No. 12859], the Answer Deadline was extended to September 5, 2014;

WHEREAS, pursuant to a *Supplemental Stipulation And Order Extending Answer Deadline To Motion For Leave To Appeal Interlocutory Injunctive Order Of The Bankruptcy Court*, so-ordered by the Bankruptcy Court on September 8, 2014 [Dkt. No. 12885], the Answer Deadline was extended to October 15, 2014;

WHEREAS, pursuant to a *Second Supplemental Stipulation And Order Extending Answer Deadline To Motion For Leave To Appeal Interlocutory Injunctive Order Of The Bankruptcy Court*, so-ordered by the Bankruptcy Court on October 15, 2014 [Dkt. No. 12952], the Answer Deadline was extended to November 17, 2014;

WHEREAS, pursuant to a *Third Supplemental Stipulation And Order Extending Answer Deadline To Motion For Leave To Appeal Interlocutory Injunctive Order Of The Bankruptcy Court*, so-ordered by the Bankruptcy Court on November 12, 2014 [Dkt. No. 12996], the Answer Deadline was extended to 30 calendar days after this Court rules on the Four Threshold Issues (as that term is defined in the Court's July 11, 2014 Supplemental Scheduling Order [Dkt. No. 12770]);

WHEREAS, the Court entered its *Decision on Motion to Enforce Sale Order*, dated April 15, 2015 [Dkt. No. 13109] ("**April 15 Decision**"), wherein the Court ruled on the Four Threshold Issues;

WHEREAS, the April 15 Decision has mooted the need for any appeal by the Phaneuf Plaintiffs; and

WHEREAS, the Parties have agreed to a resolution of the Motion.

NOW, THEREFORE, it is stipulated and agreed, by and among the Parties, subject to approval of the Bankruptcy Court, that:

1. Upon this Stipulation being so-ordered by the Bankruptcy Court, the Motion (and any Notice of Appeal filed in connection therewith by the Phaneuf Plaintiffs) shall be deemed withdrawn with prejudice, *provided, however*, that the withdrawal of the Motion shall not affect any rights the Phaneuf Plaintiffs may have with respect to any appeal of the April 15 Decision, and all such rights are expressly reserved and preserved.

2. This Stipulation and Order may be executed in one or more counterparts, each of which is deemed an original, together constituting one and the same document. Facsimile signatures or signatures received via e-mail transmission are treated as a binding and original document, and the facsimile signature or e-mail signature of any party is considered an original signature.

Dated: New York, New York
May 7, 2015

<p><u>/s/ Scott Davidson</u> Arthur Steinberg Scott Davidson KING & SPALDING LLP 1185 Avenue of the Americas New York, NY 10036 (212) 556-2100</p> <p>KIRKLAND & ELLIS LLP 200 North LaSalle Chicago, Illinois 60654 (312) 862-2000 Richard C. Godfrey, P.C. Andrew B. Bloomer, P.C.</p> <p><i>Counsel to General Motors LLC</i></p>	<p><u>/s/ Jeffrey C. Block</u> Jeffrey C. Block Jason M. Leviton BLOCK & LEVITON LLP 155 Federal Street, Suite 400 Boston, Massachusetts 02110 (617) 398-5600</p> <p>FINKELSTEIN, BLANKINSHIP, FREI- PEARSON & GARBER, LLP 1279 Route 200 Newburg, New York 12551 (914) 298-3281 Greg Blankinship Todd Garber</p> <p><i>Counsel to the Phaneuf Plaintiffs</i></p>
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SO ORDERED:

Dated: New York, New York
May 12, 2015

s/ Robert E. Gerber
HONORABLE ROBERT E. GERBER
UNITED STATES BANKRUPTCY JUDGE